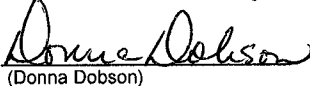


Supplemental Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 21, 2009 Signature: 

(Donna Dobson)

Docket No.: 58895/P001C1/10316486
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Susan P. Dark

Application No.: 10/741,798

Confirmation No.: 5599

Filed: December 19, 2003

Art Unit: 2473

For: INTELLIGENT FEEDBACK LOOP
PROCESS CONTROL SYSTEM

Examiner: J. M. Rutkowski

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant submits herewith copies of non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this

Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such. In accordance with 37 CFR 1.97, Applicant hereby makes of record the following additional information. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicant submits an answer from Defendants McAfee, Inc., (hereinafter, McAfee) and Secure Computing Corporation (hereinafter, Secure Computing) in a currently-pending lawsuit for infringement brought by Applicant. *See* attachment from *Deep Nines, Inc. v. McAfee, Inc. and Secure Computing Corporation*, No. 9:09-cv-00089-RC (E.D. Tex., Lufkin Div.) The suit involves United States Patent 7,058,976, which issued from an application that is a parent of the present application. The Examiner is directed to the Defendants’ affirmative defenses that allege, among other things, improper inventorship and inequitable conduct. Such issues are the same as, or similar to, those issues brought to the attention of the Examiner in the IDS filed August 21, 2008 regarding prior litigation.

The suit also involves United States Patents 6,930,978 and 7,380,272, which both issued from applications related to the present Application. The above-referenced attachment alleges inequitable conduct with respect to United States Patent 6,930,978. Defendants also allege invalidity with respect to all three patents.

An additional currently-pending lawsuit is *Deep Nines, Inc. v. Fortinet, Inc.*, No. 9:09-cv-00144-RC (E.D. Tex., Lufkin Div.) for which a defendant’s answer has not yet been filed.

It is Applicant’s belief that the present application and United States Patent 7,058,976 currently contains the proper inventive entity. If Examiner desires any further information, Examiner is respectfully invited to call the undersigned. It is noted that many filings in the McAfee/Secure Computing lawsuit have been filed under seal.

The statements herein should not to be interpreted as a representation that the cited information is material, that an exhaustive investigation has been conducted, or that no other

relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such information is pertinent. Moreover, Applicant understands the Examiner will make an independent evaluation of the information and if the Examiner requires any further information, Applicant will provide any such information.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The fee of \$180.00 set forth in 37 CFR 1.17(p) will be paid by credit card. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2380, under Order No. 58895/P001C1/10316486.

Dated: December 21, 2009

Respectfully submitted,

By 

Thomas Kelton

Registration No.: 54,214

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